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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANTHONY BELMOSA,

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Plaintiff,

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-against-

Civil Action No.  
1:19-cv-06788 BMC

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UNITED STATES OF AMERICA,

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Defendant.

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September 17, 2020  
10:35 a.m.

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DEPOSITION of ANTHONY BELMOSA, the Plaintiff

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herein, taken by the Defendant, pursuant to Order,

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held on the above-noted date and time, via Zoom,

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before a Notary Public of the State of New York.

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1 A. Belmosa

2 Q So, if you were to approximate, how  
3 long had you been on the job as of August 22,  
4 2016?

5 A Around -- say about six or seven  
6 months.

7 Q Did you have to undergo training to  
8 drive that truck?

9 A No, sir.

10 Q The truck you were driving, you  
11 described it as a tow truck.

12 Was that a bobtail truck?

13 A Yes, a bobtail.

14 Q Did you need a special license to  
15 drive a bobtail truck?

16 A No, sir.

17 Q You didn't need to have a commercial  
18 license or anything like that?

19 A No, sir.

20 Q For how long had you been driving a  
21 bobtail truck like that?

22 A I drive trucks all the time.

23 Q I will ask the question a different  
24 way.

25 For approximately how long had you

1 A. Belmosa

2 the other side of the gate where you parked your  
3 car -- parked your truck?

4 A Very familiar. I pass there every  
5 day.

6 Q How many times would you say you had  
7 driven on that piece of roadway prior to August  
8 22, 2016?

9 A Every day.

10 Q Was it your normal practice when you  
11 were delivering cargo or picking up cargo or  
12 picking up mail or dropping off mail at that post  
13 office location to sort of go through the gate,  
14 park your truck, and then go back and show your ID  
15 to the guard?

16 A Basically when we come up to the gate  
17 we have to present our ID.

18 Q On August 22, 2016, when you went  
19 through the gate without showing your ID, was that  
20 the first time you've ever done it that way?

21 A Yes, because there was a long line  
22 behind me.

23 Q You said there was a long line behind  
24 you?

25 A Yes, they had other trucks coming.

1 A. Belmosa

2 around the building.

3 MR. GAMMONS: Anthony, just wait for a  
4 question, please.

5 Q Is it fair to say the area where the  
6 incident happened was well lit?

7 A Part of it, yes.

8 Q What do you mean by that?

9 A It was partially lit. Part of it has,  
10 like, overshadows and some very lit where you  
11 could see.

12 Q The area where you were parked, where  
13 you parked the bobtail truck and you were getting  
14 out, was that area well lit?

15 A Yes.

16 Q Now, you mentioned that you stepped  
17 out of your truck and then, I guess, which foot  
18 touched down, touched the ground first?

19 A My left foot.

20 Q When you got out of the truck and you  
21 were stepping down, approximately how high from  
22 the ground did you have to step?

23 A Say about two feet or three feet.

24 Q Did the bobtail truck that you were  
25 driving, did it have steps?

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1 A. Belmosa

2 How long would you say the hole was?

3 A It was about -- say about four to six  
4 feet.

5 Q How wide would you say the hole was?

6 A It was as wide as my shoe.

7 Q If you were to approximate using feet  
8 or inches, what would you say about the width?

9 A The width is about two to three  
10 inches.

11 Q Now, did you see the hole before you  
12 stepped out of the truck?

13 A No.

14 Q Did you see the hole at any point in  
15 time before your left foot stepped in it?

16 A No.

17 Q Prior to August 22, 2016, do you  
18 remember seeing a hole in that area of the road?

19 A I never parked there prior to that.

20 MR. GAMMONS: Just answer the  
21 question, Anthony, please.

22 A No.

23 Q When was the first time that you  
24 noticed that there was a hole in the road in that  
25 location?

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1 A. Belmosa

2 A When the accident occurred.

3 Q When you say "the accident occurred,"  
4 was it after your foot was in the hole?

5 A Yes.

6 Q You said you rolled sort of to the  
7 ground.

8 How long were you on the ground for?

9 A For about five minutes tops.

10 Q As far as you know, was anyone around  
11 to witness the fall?

12 A It was a couple of people, but I don't  
13 recall their names. I don't have their names.

14 Q When you say "a couple of people," do  
15 you know who they were or why they were -- were  
16 they employees of --

17 A Employees. One was an employee.

18 Q An employee of what?

19 A The post office. He moves the mail.

20 Q Did you speak to that person at all?

21 A No.

22 Q Did that person come over and say  
23 anything to you?

24 A He asked me what happened.

25 Q What did you say?

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1 A. Belmosa

2 MR. GAMMONS: You said as he stepped  
3 out of the truck. I'm asking, did he  
4 notice it was wet, or are you just saying  
5 at the time this all happened was the  
6 ground wet?

7 MR. MODAFFERI: Fine.

8 Q When you were driving your bobtail  
9 truck through the guard gate, did you notice  
10 whether the ground was wet?

11 A No.

12 Q Do you know whether it rained prior to  
13 you getting out of your truck on August 22, 2016?

14 A No.

15 Q No, it didn't or no, you don't know?

16 A I don't think it did.

17 Q I'm sorry?

18 A No, it did not.

19 Q Previously you mentioned that you had  
20 fallen onto the ground.

21 While you were on the ground after you  
22 fell, did you call to anyone, scream out to  
23 anyone, make any noise that you can remember?

24 A Yes.

25 Q What noise?